

Resolution No.:	<u>15-1111</u>
Introduced:	<u>July 26, 2005</u>
Adopted:	<u>July 26, 2005</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** DPWT Docket No. AB672  
Abandonment - Portion of Highland Avenue  
National Park Seminary, Silver Spring, Maryland

**Background**

1. By letter dated March 22, 2005, from Lerch, Early & Brewer, on behalf of its client, Forest Glen Venture, LLC, the Applicant, application to the County was made to abandon unimproved Highland Avenue in the National Park Seminary section of Silver Spring. The subject area is described on the attached drawing prepared by VIKA.
2. A Public Hearing to consider the abandonment proposal was conducted on June 1, 2005, by the Designee of the County Executive.
3. The Police Department did not comment and approval is presumed.
4. Washington Suburban Sanitary Commission did not comment and approval is assumed.
5. Washington Gas had no objection.
6. PEPCO had no objection.
7. Verizon did not comment and approval is presumed.
8. Maryland-National Capital Park and Planning Commission conditioned its approval upon recordation of a development plat for the National Park Seminary property.

9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area and upon Applicant recording a plat of abandonment incorporating the former right-of-way area within 24 months from the date of the Council Resolution.
10. The Department of Fire and Rescue Services had no objection.
11. The County Executive recommends approval of the proposed abandonment.

**Action**

The County Council for Montgomery County, Maryland, finds that unimproved Highland Avenue in the National Park Seminary area of Silver Spring described on the attached drawing by VIKa is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

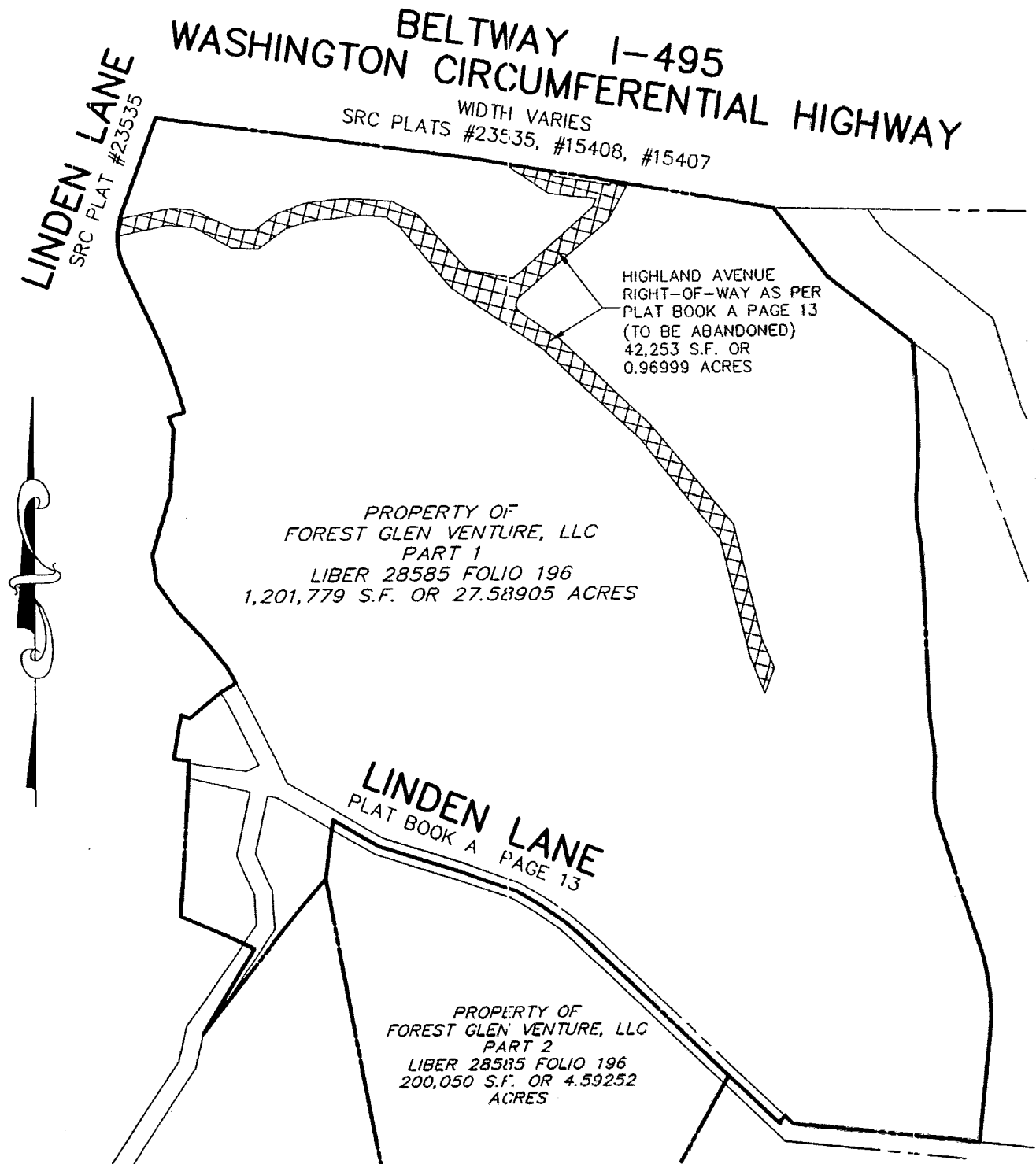
1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place, as well as proposed facilities, for purposes of repair and maintenance.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.
4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

Attachment – VIKa Drawing

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council



SKETCH SHOWING  
A PORTION OF  
**HIGHLAND AVENUE**  
PLAT BOOK 'A' PAGE 13  
(TO BE ABANDONED)  
13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 200' MARCH 11, 2005



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